

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

Application 29166 Permit 20330 License

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE

WHEREAS:

1. Permit 20330 was issued to William H. Hill, John W. Mayes, and Hill and Mayes Incorporated on May 22, 1989 pursuant to Application 29166.
2. A petition for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
3. The permittee has proceeded with diligence and good cause has been shown for said extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

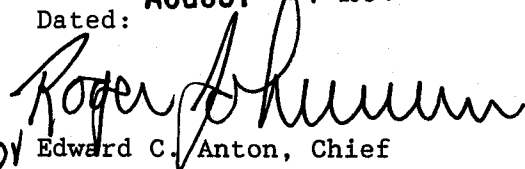
1. Condition 9 of the permit be amended to read:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 31, 2004

(0000009)

Dated: **AUGUST 17 1994**

for 
Edward C. Anton, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 29166 PERMIT 20330 LICENSE

ORDER TO CHANGE THE DISTRIBUTION OF STORAGE

WHEREAS:

1. Permit 20330 was issued to William H. Hill, John W. Mayes, and Hill and Mayes, Inc., on May 22, 1989 pursuant to Application 29166.
2. A petition to change the distribution of storage has been filed with the State Water Resources Control Board.
3. The Board has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Conditions 1, 2, 3, 4 and 5 of the permit be amended to read:

Condition 2 location of point of diversion:

Storage, Diversion to Offstream Storage, and Rediversion

(1) Reservoir No. 1 - California Coordinate System, Zone 2, N 200,150 and E 1,854,100, being within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 3, T4N, R6W, MDB&M;

(2) Reservoir No. 3 - California Coordinate System, Zone 2, N 199,100 and E 1,854,750, being within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 10, T4N, R6W, MDB&M;

Point of Diversion to Offstream Storage

(3) California Coordinate System, Zone 2, N 199,900 and E 1,852,200, being within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 3, T4N, R6W, MDB&M. (0000002)

Condition 3 and 4 Purpose of Use and Place of Use:

Recreation

Reservoir No. 1 within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 3, T4N, R6W, MDB&M;

Reservoir No. 3 within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 10, T4N, R6W, MDB&M;

Irrigation

1 acre within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 3,
26 acres within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 3,
19 acres within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 3,
26 acres within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 3,
35 acres within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 3,
2 acres within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 3,
9 acres within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 3,
36 acres within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 3,
26 acres within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 3,
17 acres within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 3,
2 acres within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 3,
1 acre within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 10.

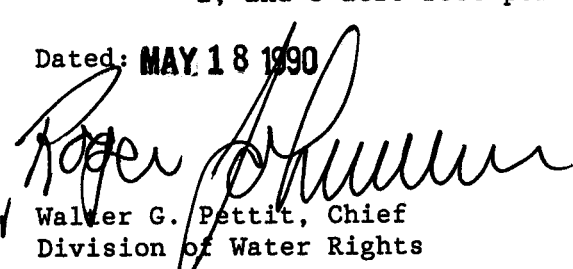
200 acres total

(0000004)

Condition 5 Amount and Season:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed a total of 245 acre-feet per annum to be collected from October 15 of each year to April 30 of the succeeding year as follows: 240 acre-feet per annum in Reservoir No. 1, and 5 acre-feet per annum in Reservoir No. 3. (0000005)

Dated: MAY 18 1990

61 
Walker G. Pettit, Chief
Division of Water Rights

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20330

Application 29166 of William H. Hill, John W. Mayes, and Hill & Mayes, Incorporated
P.O. Box 3989, Napa, CA 94558

January 5, 1988
filed on _____, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:	Tributary to:
(1,2,4 & 5) Unnamed Stream	Tolay Creek thence
	San Pablo Bay
(3) Unnamed Stream	Tolay Creek

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
SEE ADDENDUM A					

County of Sonoma

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acres
SEE ADDENDUM B						

The place of use is shown on map filed with the State Water Resources Control Board.

291.66.

20330

ADDENDUM B

*Projected

[illegible]

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed a total of 245 acre-feet per annum to be collected from October 15 of each year to April 30 of the succeeding year as follows: 49 acre-feet per annum in Reservoir No. 1, 49 acre-feet per annum in Reservoir No. 2, 49 acre-feet per annum in Reservoir No. 3, 49 acre-feet per annum in Reservoir No. 4, and 49 acre-feet per annum in Reservoir 5. (0000005)

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose. (000005I)

The maximum rate of diversion to offstream storage shall not exceed 10 cubic feet per second. (000005J)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Construction work shall begin within two years of the date of this permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked. (0000007)

8. Construction work shall be completed by December 31, 1992. (0000008)

9. Complete application of the water to the authorized use shall be made by December 31, 1993. (0000009)

10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (0000010)

11. Permittee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

12. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

14. Permittee shall install and maintain an outlet pipe of adequate capacity in each dam as near as practicable to the bottom of the natural stream channel in order that water entering the reservoirs which is not authorized for appropriation under this permit may be released. Before starting construction, permittee shall submit plans and specifications of the outlet pipes to the Chief of the Division of Water Rights for approval. Before storing water in the reservoirs, permittee shall furnish evidence which substantiates that the outlet pipes have been installed in the dams. Evidence shall include photographs showing completed works or certification by a registered Civil or Agricultural Engineer. (0050043)

15. The State Water Resources Control Board reserves jurisdiction over this permit to change the season of diversion to conform to later findings of the Board concerning protection of beneficial uses of water in San Francisco Bay. Action to change the season of diversion will be taken only after notice to interested parties and opportunity for hearing. (0000094)

16. In the event that the three historic structures, identified as the historical farm complex SP-11 in the cultural resource inventory of the subject property, are to be impacted by actions of the permittee, the permittee shall, prior to incurring such impacts, arrange to have these structures evaluated by an architectural historian and formally recorded on California Historic Resources Inventory forms. (0380500)

10/22/1999 ASGD TO FRED CLINE

11/01/1999 ASGD TO FRED CLINE OXFOOT
ASSOCIATES, LLC

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: MAY 22 1999

STATE WATER RESOURCES CONTROL BOARD

Walter A. Pettit
Chief, Division of Water Rights